

UNUS #01-0366-UNI
Case No. F7589(V)

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

An Information Disclosure Statement which was too bulky to fax is being mailed today.

With Respect to the Section 112 rejection, the expression "at least 5 mg/kg statins" is meant as the statin content of the food product, i.e. the amount of statin(s) in mg per amount of food product in kg. When a typical amount of food product is consumed, e.g. 200 grams, the intake of statin(s) will be at least 1 mg. At page 9 of the present specification, 2nd full paragraph, it is stated that unless otherwise indicated, the amounts given are relative to the total weight of the food product. Therefore, it is respectfully requested that the rejection be withdrawn.

Applicants have combined claims 1 and 2. The Office points to no teaching by Hoie of use of fermented soy in his invention. Moreover, through fermentation with Monascus the ratio of genistein/(genistin+genistein) is increased. This is illustrated in table 3 of the present specification. Ordinary soy materials, such as the soy protein isolate of Hoie, contain about 5 wt.% genistein relative to the amount of genistein and genistin. See page 11, lines 15-16 of the instant specification. So, in addition to the apparent lack of teaching concerning fermented soy, the Office points to no teaching of Hoie to the effect that a soy source having an altered % of genistein relative to his soy protein isolate should be used.

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(2)*

P.28

full

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In view of the foregoing, It is respectfully requested that the application, as amended, be allowed.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made."

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Please cancel claim 2 and amend claims 1 and 9 as follows:

2. (Amended) Food product comprising an amount of soy protein of at least 5 grams per average serving, characterized in that the food product comprises at least 5 mg/kg statins and that the food product comprises a fermented soy ingredient.
9. (Amended) Food product according to claim 8, wherein the food product is a meat product having the following composition: minced meat 60-80 wt%, mycoprotein 15-25 wt%, 2-10 wt% soy protein comprising statin, 0.1-1 wt% sodium caseinate, 0.1-1 wt% transglutaminase, nitrite salt 0.5-5 wt%, glucose 0.1-1 wt%, *Pediococcus* culture mix 0.001-0.010 wt%, 0-1 wt% and 0-1 wt% optionally other ingredients.